

REPORTS OF COMMITTEES

2. Committee of the Whole – April 13, 2017

4. Rezoning Application No. 00563 for 732 Tyee Road (Vic West)

Motion:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and subject to the applicant submitting a landscape plan and landscape security deposit to reconstruct the landscape strip as shown on the submitted plans, consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application No. 00002 for 732 Tyee Road in accordance with:

1. Plans date stamped January 31, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. The Temporary Use Permit lapsing three years from the date of this resolution."

That opportunities for public input and notification mirror the process for cannabis dispensary rezoning.

Carried Unanimously

5. LAND USE MATTERS

5.1 Rezoning Application No. 00563 for 732 Tyee Road (Vic West)

Committee received a report dated March 23, 2017 from the Director of Sustainable Planning and Community Development providing information regarding the rezoning application for the property located at 732 Tyee Road to rezone the property to allow for the retail sale of cannabis. The proposal is not consistent with the Official Community Plan, therefore a Temporary Use Permit is being proposed for the site.

Committee discussed:

- Issuing Temporary Use Permit's to all proposed cannabis retail locations instead of rezoning applications; staff capacity impacts
- Ensuring that there is sufficient opportunity for public comment.

Motion: It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and subject to the applicant submitting a landscape plan and landscape security deposit to reconstruct the landscape strip as shown on the submitted plans, consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application No. 00002 for 732 Tyee Road in accordance with:

1. Plans date stamped January 31, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. The Temporary Use Permit lapsing three years from the date of this resolution."

Amendment: It was moved by Councillor Isitt, seconded by Councillor Loveday, that the motion be amended as follows:

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and subject to the applicant submitting a landscape plan and landscape security deposit to reconstruct the landscape strip as shown on the submitted plans, consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application No. 00002 for 732 Tyee Road in accordance with:

1. Plans date stamped January 31, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. The Temporary Use Permit lapsing three years from the date of this resolution."

That opportunities for public input and notification mirror the process for cannabis dispensary rezoning.

CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and subject to the applicant submitting a landscape plan and landscape security deposit to reconstruct the landscape strip as shown on the submitted plans, consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application No. 00002 for 732 Tyee Road in accordance with:

1. Plans date stamped January 31, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements.
3. The Temporary Use Permit lapsing three years from the date of this resolution."

That opportunities for public input and notification mirror the process for cannabis dispensary rezoning.

CARRIED UNANIMOUSLY 17/COTW



Committee of the Whole Report

For the Meeting of April 13, 2017

To: Committee of the Whole **Date:** March 23, 2017

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00563 for 732 Tyee Road

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and subject to the applicant submitting a landscape plan and landscape security deposit to reconstruct the landscape strip as shown on the submitted plans, consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application No. 00002 for 732 Tyee Road in accordance with:

1. Plans date stamped January 31, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Temporary Use Permit lapsing three years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 493 of the *Local Government Act*, Council may issue a Temporary Use Permit for land located within an area designated for this purpose in the *Official Community Plan*. A Temporary Use Permit may allow a use not permitted under the *Zoning Regulation Bylaw*, specify conditions under which the temporary use may be carried out, and allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 732 Tyee Road. The proposal is to rezone from the current M2-S Zone, Songhees Light Industrial District, to a site-specific zone in order to allow for the retail sale of cannabis; however, in this instance, the proposed rezoning would not be consistent with the *Official Community Plan, 2012* (OCP). Therefore an OCP Amendment would be required which would not be consistent with the goals and vision outlined for this area of Victoria West. A Temporary Use Permit, however, would be consistent with the OCP, as the OCP allows for temporary uses throughout the entire city.

The following points were considered in assessing this application:

- the proposal is inconsistent with the Urban Residential designation in the *Official Community Plan 2012*
- the Victoria West Neighbourhood is currently engaged in a Local Area Planning Process and changes to the vision for this area may result over the course of that work
- the applicant is amenable to a Temporary Use Permit, which can be used to allow the use on a time limited basis as the Local Area Planning Process advances
- the proposal is consistent with the Songhees Business / Mixed Use – Some with Residential Option designation within the *Victoria West Neighbourhood Plan*
- the proposal is consistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there are no schools or permitted storefront cannabis retailers within 200m.

BACKGROUND

Description of Proposal

The original Rezoning Application submission was to allow for the retail sale of cannabis in an existing building. No alterations to the building were proposed; however, the landscape buffer in the parking lot, as shown on submitted plans, would have needed to be reconstructed. If the Rezoning Application were to continue to move forward, the following differences from the standard would be accommodated in the new zone:

- storefront cannabis retailer would be a permitted use
- storefront cannabis retailer would be restricted to a maximum floor area of 150m², which is in keeping with the size of the existing operation
- only one storefront cannabis retailer would be permitted to operate on the property at a time.

All other requirements within the M2-S Zone, Songhees Light Industrial District, would remain the same.

However, the proposal to rezone would require an amendment to the *Official Community Plan, 2012* (OCP) in order to change the urban place designation from Urban Residential to General Employment. Staff recommend for Council's consideration that an OCP amendment at this time should not be pursued due to the ongoing *Victoria West Neighbourhood Plan* review; however, the proposal is located within an existing industrial building and in an area with some industrial uses on the west side of Tyee Road. The proposed use could be accommodated on the site with likely little disruption to the area. Subsequently, Staff are recommending for Council's consideration that a Temporary Use Permit to allow for a storefront cannabis retailer would be more appropriate than approving a rezoning at this time. Under the *Local Government Act*, a Temporary Use Permit lasts for up to three years, with a one-time ability to apply for a three year renewal.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this application.

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Land Use Context

The area is characterized by commercial and light industrial uses on the same block frontage with residential uses located across the street in the Railyards development.

Existing Site Development and Development Potential

The site is presently developed as a single-storey industrial building with an interior mezzanine. Under the current M2-S Zone, Songhees Light Industrial District, the property could be developed for a variety of commercial and light industrial uses up to a maximum height of 15m.

Community Consultation

Consistent with the *Storefront Cannabis Retailer Rezoning Policy*, the requirement to arrange and participate in a Community Association Land Use Committee (CALUC) Community Meeting is waived unless the application involves construction of a new building; however, the application was referred to the Victoria West CALUC. Also consistent with the Policy, the application has been referred to School District No. 61 and the Victoria Police Department. At the time of writing this report no comments had been received.

ANALYSIS

Official Community Plan

The *Official Community Plan, 2012* identifies this property within the Urban Residential urban place designation, within which commercial activities are not an envisioned use unless located on an arterial or secondary arterial road; however, local area planning is currently underway in Victoria West, which may result in changes to policy directions in this area.

Local Area Plans

The *Victoria West Neighbourhood Plan* identifies the property as Songhees Business / Mixed Use – Some with Residential Option, within which commercial is an envisioned use. The neighbourhood plan is currently under review and is in the initial stages of community consultation.

Storefront Cannabis Retailer Rezoning Policy

The application complies with the *Storefront Cannabis Retailer Rezoning Policy* and was one of the sites identified as operating as a storefront cannabis retailer at the time of Council adopting the regulations and policy framework related to cannabis. No schools or permitted storefront cannabis retailers are within 200m of the property at the time of writing this report.

CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is inconsistent with the Urban Residential designation within the *Official Community Plan*; however the applicant is amenable to a Temporary Use Permit as an alternative to being able to achieve a rezoning for the site. The proposal does not have any schools or permitted storefront cannabis retailers within 200m of the property therefore Staff recommend for Council's consideration that a Temporary Use Permit could be used to accommodate the proposal while a new neighbourhood plan is being prepared in Victoria West.

ALTERNATE MOTIONS

Option 1 – Rezoning with OCP Amendment

That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 882 of the *Local Government Act* and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00563 for 732 Tyee Road, and that:

- a. Staff prepare a subsequent report for Council's consideration with regard to the necessary considerations related to consultation requirements related to the Official Community Plan Amendment Application, and;
- b. Staff work with the applicant to ensure submission of a landscape plan and a landscape security deposit to reconstruct the landscape strip as shown on the submitted plans.

Option 2 – Decline

That Council decline Rezoning Application No. 00563 for the property located at 732 Tyee Road.

Respectfully submitted,



Michael Angrove
Planner
Development Services



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



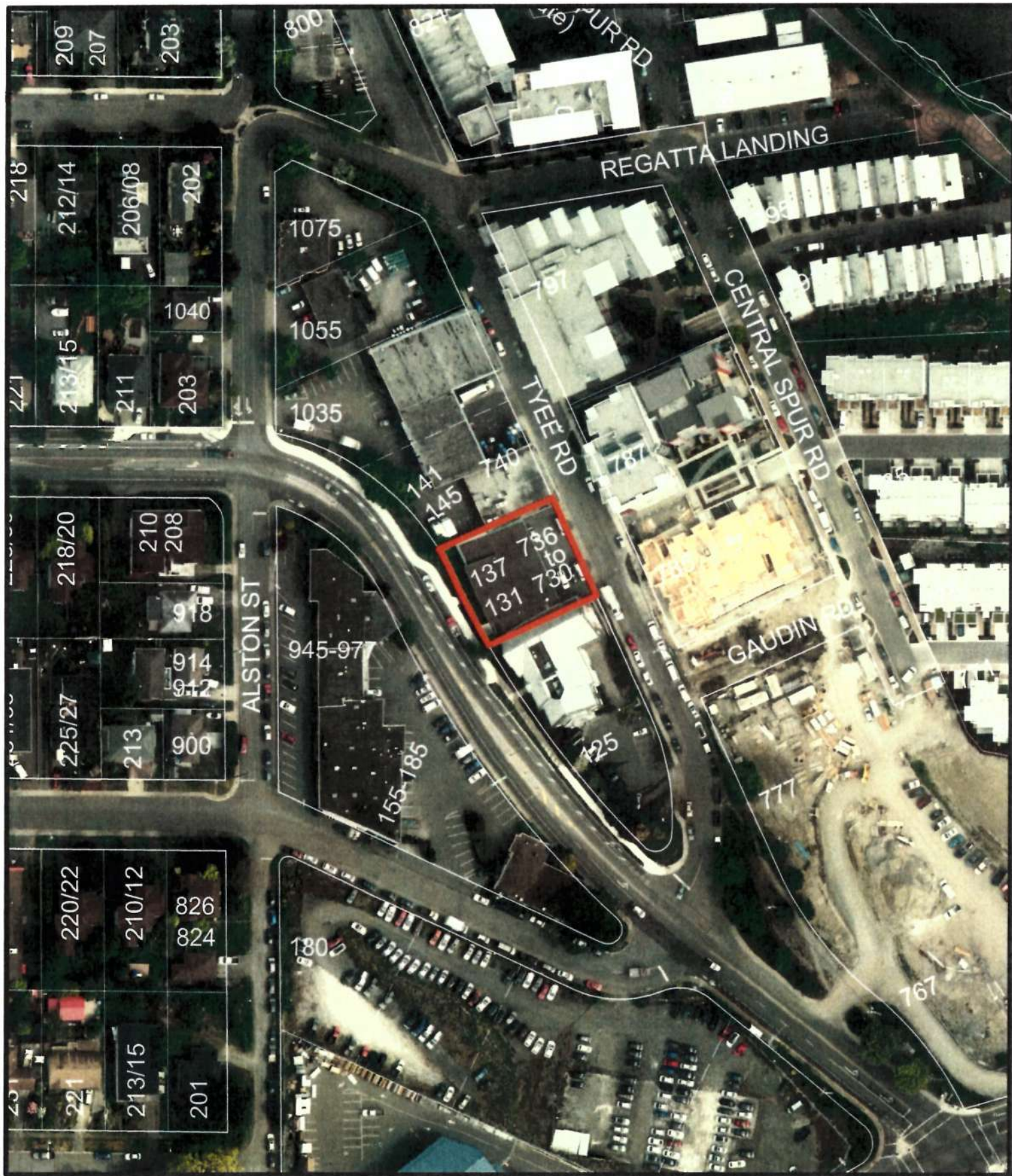
Date: _____

April 5, 2017

List of Attachments:

- Subject Map
- Aerial Map
- Plans dated/date stamped January 31, 2017
- Letter from applicant to Mayor and Council dated January 29, 2017





732 Tyee Road
Rezoning No.00563



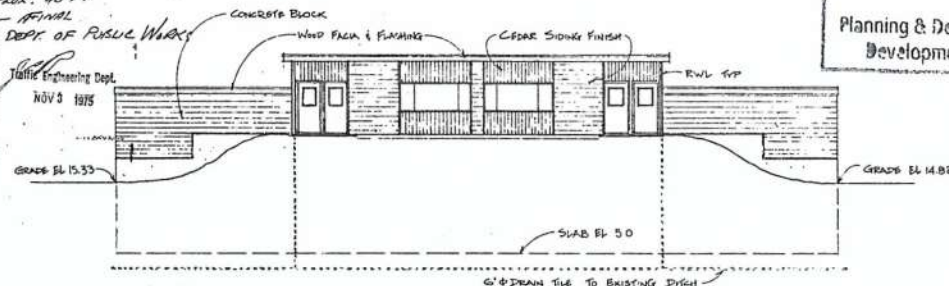
Received
City of Victoria

JAN 31 2017

Planning & Development Department
Development Services Division

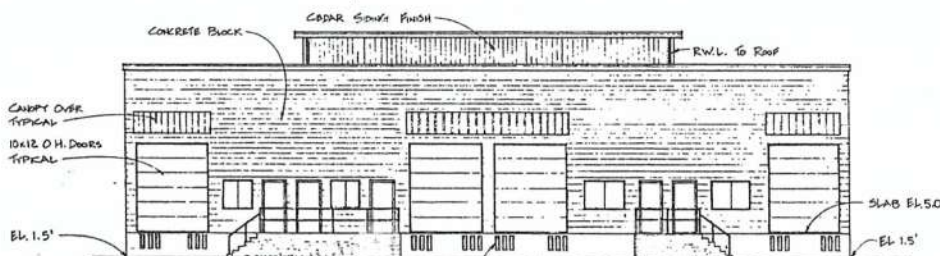
2 PASSENGER VEHICLE
LOADING RAY TO BE
PROVIDED APPROX. 40' x 7'
WITH ACCESS - FINAL
APPROVAL BY DEPT. OF PUBLIC WORKS

Traffic Engineering Dept.
NOV 3 1975



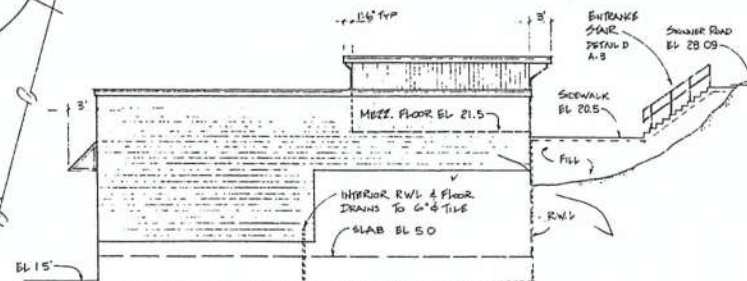
WEST ELEVATION

SCALE 3/8" = 1'-0"



EAST ELEVATION

SCALE 3/8" = 1'-0"



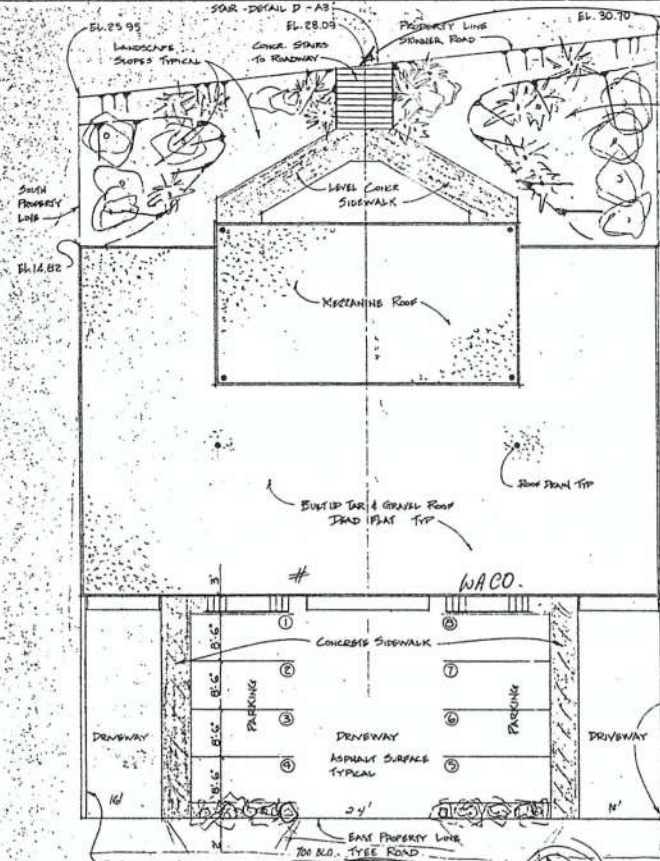
NORTH ELEVATION

SCALE 3/8" = 1'-0"

NOTES

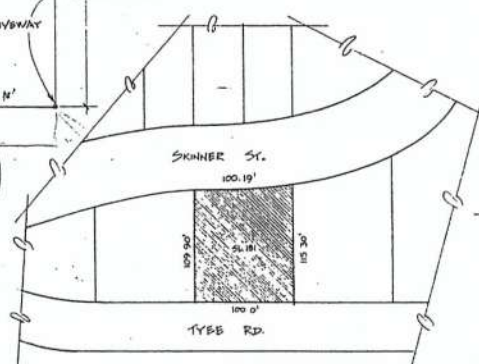
SITE AREA	11250 SF APPROX.
FLOOR AREA	
WAREHOUSE	A 1500
	B 1350
	C 1350
	D 1500
OFFICE	924
	924 SF
	APPROX 5700 SF

TOTAL PARKING REQ'D	
WAREHOUSE 1/1000 SF. = 6	
OFFICE 1/1000 SF. = 2	
TOTAL PARKING PROVIDED = 8	
PLUS 4 LOADING BAYS	1
K.S.R. 0.56 TO 1	



SITE PLAN

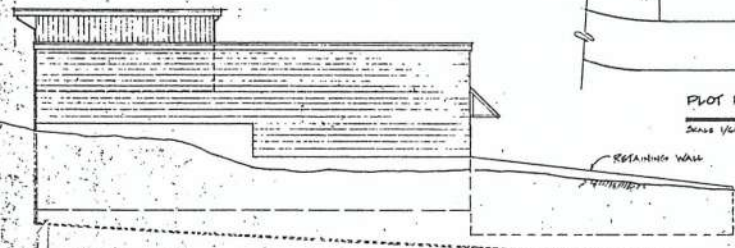
SCALE 1" = 10'-0"



PLOT PLAN

SCALE 1/64" = 1'-0"

LOT 181
SECTION 119
PLAN 13755



SOUTH ELEVATION

SCALE 3/8" = 1'-0"

SITE PLAN &
ELEVATIONS



PROPOSED
WAREHOUSE
FOR
D. EVANS

SKINNER ST &
TYEE RD.
VICTORIA B.C.

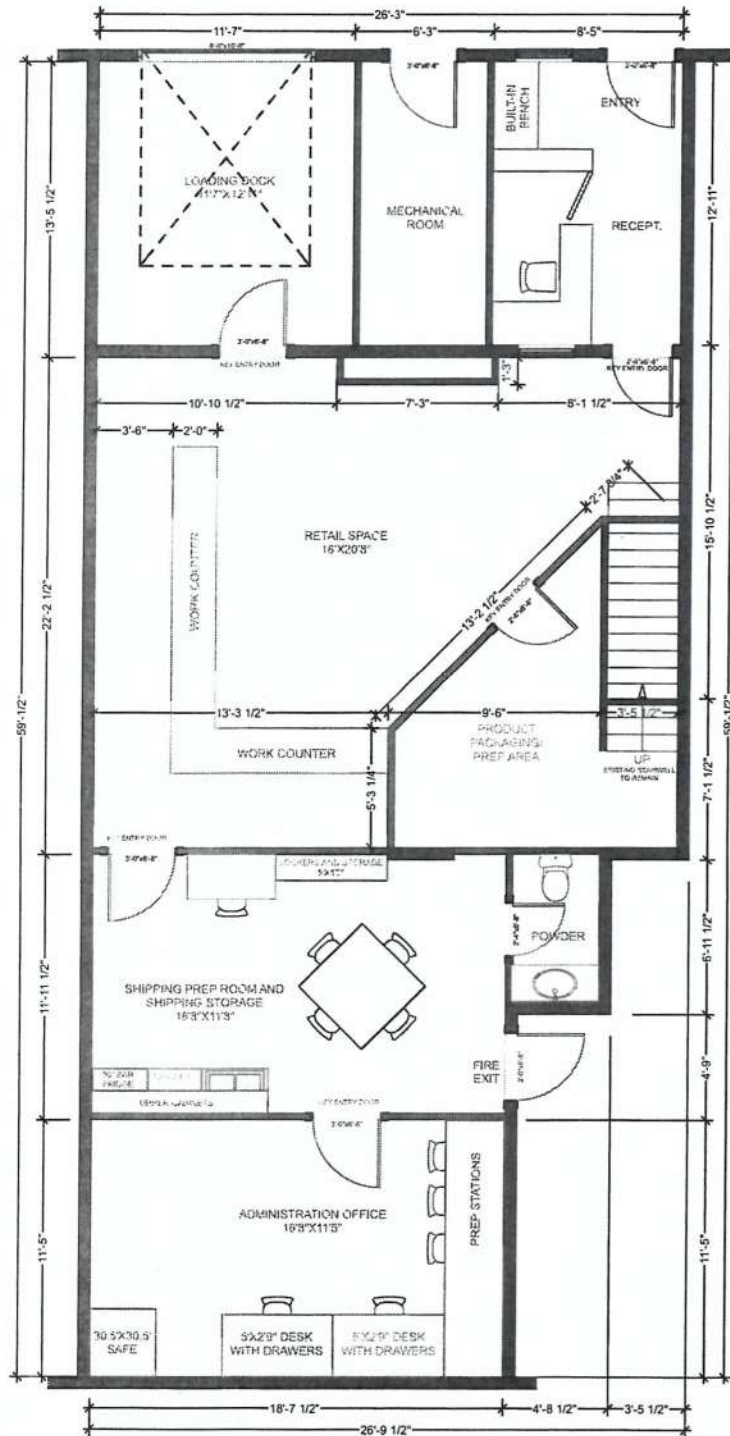
DATE - OCT 22, 1975
DRAWN - D. SAMER

SCALE - AS SHOWN A 1

Received
City of Victoria

JAN 31 2017

Planning & Development Department
Development Services Division



MAIN FLOOR PLAN

SCALE: 1/8" = 1'-0"

RETAIL SPACE AREA: 420 Sq Ft
STAFF TOTAL AREA: 398 Sq Ft (INCLUDES POWDER, STAIRWELL AND SHIPPING PREP ROOM)
ADMINISTRATIVE OFFICE AREA: 218 Sq Ft
LOADING DOCK AREA: 156 Sq Ft
RECEPTION AREA: 113 Sq Ft
TOTAL MAIN FLOOR AREA: 1305 Sq Ft

BUDS AND LEAVES
09 DECEMBER 2015

NORAH HOLLOWAY WILL NOT BE RESPONSIBLE FOR MIS CALCULATIONS, OVERAGES, ANY BUILDING DETAILS OR COSTS INCURRED RESULTING FROM THE USE OF THESE DRAWINGS. CALCULATIONS AND MEASUREMENTS SUPPLIED BY OWNER OF BUDS & LEAVES.

January 29, 2017

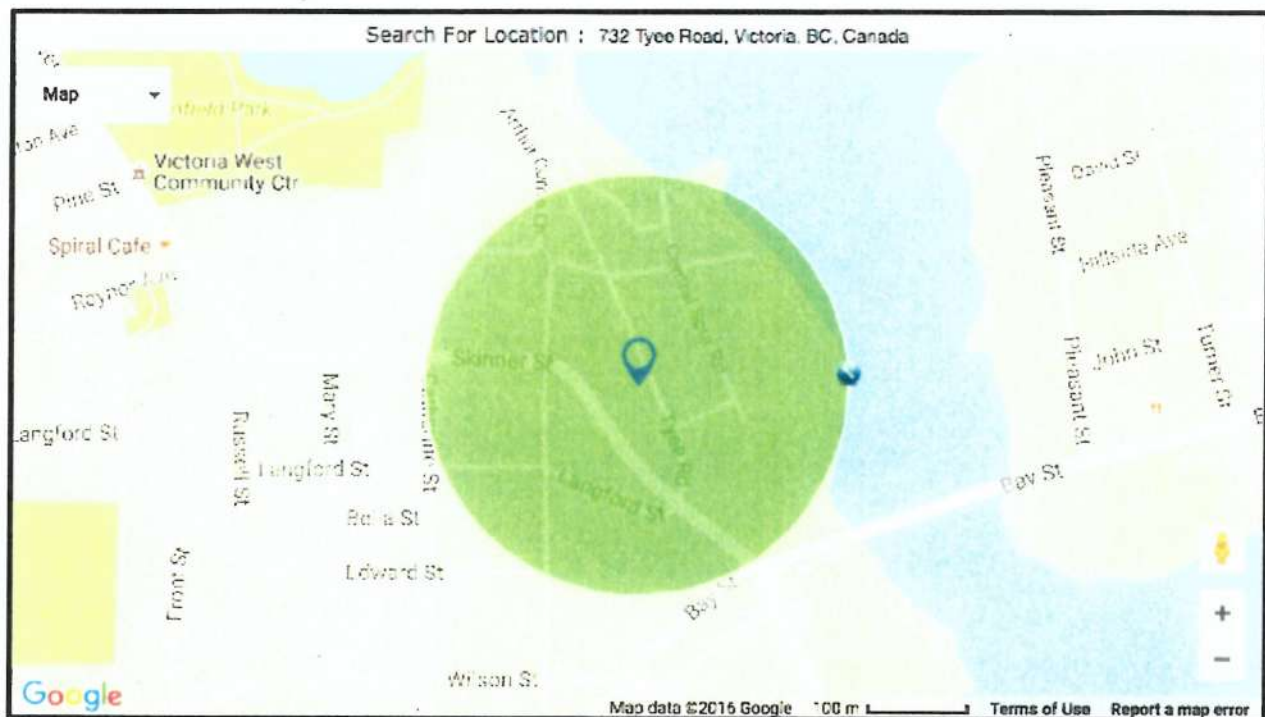
Mayor Lisa Helps & Council
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Dear Mayor Helps & Council:

We are submitting this letter for your consideration of our rezoning application under the requirements for Storefront Cannabis Retailers.

Buds & Leaves Wellness Ltd. (Buds & Leaves) is a medical cannabis dispensary located at 732 Tyee Road in Vic West. Buds & Leaves has been operating since January 2016.

As illustrated below, Buds & Leaves is not located within 200 meters of any other storefront cannabis retailer, schools, or community centers.



Operational Requirements:

Buds & Leaves has been in compliance with all of the operational requirements proposed by the City since we opened in January 2016. This includes:

- No admittance to individuals under the age of 19
- No cannabis consumption on-site
- Minimal storefront signage, letters and numbers only
- Hours of operation between 7am and 8pm (our current hours are 9am to 8pm)
- Air filtration (our Heat Recovery Ventilation (HRV) system was completed in August 2016 and prior to that we had an industrial exhaust fan to vent our unit)
- Security and fire protection
- Written consent from our landlords
- Valuables and product stored securely on-site (we also have a comprehensive insurance policy)
- Two employees on duty at all times
- Clear lines of site and unblocked windows
- Health and safety warnings regarding cannabis consumption
- Criminal record checks for all employees and owners

Community Engagement:

Prior to opening in January 2016, we wanted to engage the local Vic West community to introduce ourselves and answer any questions from the public regarding our business. We contacted the Vic West Community Association (VWCA) and booked a time to host a presentation at the community centre on December 19, 2016. The presentation was advertised through the VWCA newsletter.

To further introduce ourselves to the community, we also inquired about participating in Vic West Street Fest in June 2016. The organizers of the event were receptive to our participation, but unfortunately we did not have the time or resources to get a booth and tent in time for the event. We do plan to participate next year to provide information and education on medical cannabis.

Location & Neighborhood:

Our location is in an area that is a unique mix of residential, commercial, and industrial uses. The building that our unit is in has no other retail tenants and we believe that, as a customer-facing business, we improve the aesthetics and appeal of the building. We have invested in exterior improvements such as power washing, planting, and a bike rack. We also have plans to hire a local artist to paint a west coast inspired mural on our bay door. It is our intent to make our

business as aesthetically appealing as we can for our customers, our neighbors, and the community.

Impacts:

Since opening in January 2016, it has been our goal to have a positive impact on our community and neighbors. The only two issues that have arisen have been 1) Ventilation for our immediate neighbor, and 2) Light from our exterior sign. The ventilation issue was due to a large volume of cold air being introduced into our neighbor's unit due to our previous industrial fan system. This has since been corrected with the installation of our new HRV system. The light from our exterior sign was illuminating the condo unit across the street from us. The owner came into the store to let us know and we now turn off our sign each evening to resolve the issue.

Safety and Security:

Buds & Leaves follows many of the best practices outlined in the Crime Prevention Through Environmental Design (CPTED):

- Natural Surveillance: Buds & Leaves is located directly across the street from the Rail Yards condo development. Many of the condo units have direct line of site to our business. There are no natural or artificial barriers between our business and our neighbors or the condo units directly across the street. The view is 100% unobstructed.
- Formal Surveillance: We have eight security cameras: seven interior and one exterior. The footage is recorded and securely stored. We also have motion detectors throughout the store as well as three panic buttons.
- Lighting: We have exterior lighting from our overhead sign, motion-activated flood lights, and motion-activated lighting on our exterior stairs.

We also have a security protocol that is a part of our employee handbook. A copy of this is attached for your reference.

Transportation & Parking:

Buds & Leaves has three dedicated customer parking spots. Our three neighboring businesses that we share the parking lot with also have three dedicated spaces each, for a total of 12 parking spaces in the lot. We also have plenty of adjacent, two-hour City street parking.

We have not encountered any issues with parking or congestion in the parking lot or adjacent street. We are located just steps from the Galloping Goose which makes it very convenient for customers to reach us by walking or biking. We have a bike rack that can secure up to six bikes at a time. When we conducted a

survey of our customers and asked them how they normally travel to Buds & Leaves, nearly 40% said that they walk, bike, or bus.

Building Heritage:

The building was constructed in 1975/1976 and does not have any heritage status. Our rezoning application does not include any exterior changes to the building.

Thank you for your consideration of our rezoning and business license applications. If you have any questions, please don't hesitate to contact us.

Sincerely,
Lauren Isherwood

Buds & Leaves Wellness Ltd.
732 Tyee Road
Victoria, BC

250-380-0185
info@budsandleaves.com
www.budsandleaves.com

Attachments:

- 1) Storefront cannabis retailer rezoning application
- 2) Certificate of Title
- 3) Owner authorization letter
- 4) Interior and exterior photos
- 5) Floor plans and site plans
- 6) Project information table